

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED

03 FEB 10 AM 11:55

U.S. DISTRICT COURT
N.D. OF ALABAMA

BARRY C. HIGGONBOTHAM,

Plaintiff,

vs

CIVIL ACTION NO. 02-S-1952-S

SHERIFF JIM WOODWARD, et al,

Defendants.

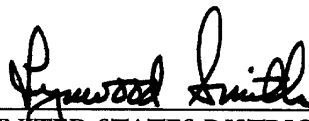
ENTERED

FEB 10 2003

MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the Magistrate Judge as the findings and conclusions of the court. In accord with the recommendation, this case is due to be dismissed as failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915(e)(2)(b)(ii) and (iii), and that any supplemental state law claims are due to be dismissed without prejudice, pursuant to 28 U.S.C. § 1367(c)(3). An appropriate order will be entered.

DONE, this 10th day of February, 2003.


LYNWOOD SMITH
UNITED STATES DISTRICT JUDGE